

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

DANIESHA CARREE

DEBTOR

CHAPTER 13

Case No. 22-44341-MLO

Judge MARIA L. OXHOLM

AKA or DBA (if any):

**TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and moves this Honorable Court to dismiss the debtor's Chapter 13 case, and in support thereof states as follows:

1. This is a core proceeding under 28 U.S.C. § 157(a)(b)(2)(A), over which this Court has jurisdiction under 28 U.S.C. § 1334.
2. The Trustee brings this motion pursuant to 11 U.S.C. § 1307(c) (6), Fed. R. Bankr. P. 1017, and E.D.Mich. L.B.R. 9014-1.
3. Based upon the Trustee's books and records, the debtor has failed to remit all Plan payments to the Trustee as required by the confirmed Chapter 13 Plan.
4. As of July 24, 2023, debtor has an accrued delinquency in payments due under debtor's Confirmed Chapter 13 Plan (as last modified, if any) of \$923.16, and an overall pay history of only 72%. A full accounting is available at www.ndc.org and 13network.com.
5. The debtor's delinquency in Plan payments constitutes a material default with respect to a term of the confirmed Plan pursuant to 11 U.S.C. 1307(c) (6).

6. 4. The Trustee requested Debtor's concurrence in the relief requested in this Motion at least 7 days prior to filing. Debtor did not respond to the request for concurrence in the relief requested in this Motion.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Court dismiss this case, and grant any further and other relief as this Court deems equitable and just.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
David Wm. Ruskin, Chapter 13 Standing Trustee
/s/ Michelle M. Stephenson

CHRISTOPHER P. REILLY (P54168)
MICHELLE M. STEPHENSON (P51653)
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251
Telephone (248) 352-7755

Dated: July 24, 2023

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

DANIESHA CARREE

DEBTOR

CHAPTER 13

Case No. 22-44341-MLO

Judge MARIA L. OXHOLM

AKA or DBA (if any):

ORDER DISMISSING CASE
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN

This matter came before the Court upon the Trustee's Motion to Dismiss for Failure to Make Payments Under Chapter 13 Plan (the "Motion"; ECF No. __). Required parties were serviced with the Motion and with notice of the deadline for objections thereto. No objection was timely filed, and a certification of no response has been filed. The Court has reviewed the Motion and pertinent pleadings and is advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that this Chapter 13 case is dismissed.

IT IS FURTHER ORDERED that the Clerk of the Court shall provide notice of the entry of this Order to all creditors listed in this case, the debtor attorney, if any, and the Trustee.

IT IS FURTHER ORDERED that DAVID WM. RUSKIN, Trustee, is discharged as Trustee, and the Trustee and his surety are released from any and all liability on account of the within proceedings.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN THE MATTER OF:
DANIESHA CARREE

CHAPTER 13
Case No. 22-44341-MLO
Judge MARIA L. OXHOLM

DEBTOR

AKA or DBA (if any)

DEBTOR'S ADDRESS:

11684 Lakepointe St.
Detroit, MI 48224

Debtor 1 Social Security Number: XXX-XX-0646

Employer's Tax Identification (EIN) No(s).(if any):

**NOTICE OF TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN**

The Chapter 13 Trustee has filed papers with the Court to dismiss the debtor's case for failure to make payments.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to dismiss the debtor's case, or if you want the Court to consider your views on the Trustee's Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:*

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to:

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
ATTN: MOTION DEPARTMENT

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Dated: July 24, 2023

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

/s/ Michelle M. Stephenson

CHRISTOPHER P. REILLY (P54168)
MICHELLE M. STEPHENSON (P51653)
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251
Telephone (248) 352-7755

EXHIBIT 2

*Response or answer must comply with F.R.CIV.P. 8(b), (c) and (e)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:
DANIESHA CARREE

DEBTOR

CHAPTER 13
Case No. 22-44341-MLO
Judge MARIA L. OXHOLM

AKA or DBA (if any):

**CERTIFICATE OF SERVICE OF TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN**

I hereby certify that on July 24, 2023, I electronically filed the Trustee's Motion to Dismiss for Failure to Make Payments, Notice and Opportunity for Hearing and Proposed Order with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

John A Steinberger & Associates PC
The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:
Danielsa Carree
11684 Lakepointe St.
Detroit, MI 48224

/s/ Deanna L. Thiel

Deanna L. Thiel
For the Office of David Wm. Ruskin,
Chapter 13 Standing Trustee-Detroit
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251

EXHIBIT 4